

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

PHILLIPS 66

and

Cases 31-CA-085243  
31-CA-096709

UNITED STEEL, PAPER AND FORESTRY,  
RUBBER, MANUFACTURING, ENERGY,  
ALLIED INDUSTRIAL & SERVICE WORKERS  
INTERNATIONAL UNION, AFL-CIO/CLC

**NOTICE TO SHOW CAUSE**

On November 25, 2014, Administrative Law Judge Lisa D. Thompson issued a decision addressing complaint allegations that the Respondent violated Section 8(a)(1) by maintaining a certain work rule or policy. The judge applied the “reasonably construe” prong of the Board’s decision in *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004) (*Lutheran Heritage*). The judge also addressed other alleged unfair labor practices. Recently, the Board overruled the *Lutheran Heritage* “reasonably construe” test and announced a new standard that applies retroactively to all pending cases. *The Boeing Co.*, 365 NLRB No. 154, slip op. at 14-17 (2017). Having duly considered the matter,

**NOTICE IS GIVEN** that cause be shown, in writing, filed with the Board in Washington, D.C., on or before December 4, 2018 (with affidavit of service on the parties to this proceeding), why the complaint allegations involving the maintenance of an allegedly unlawful work rule or policy should not be severed and remanded to the administrative law judge for further proceedings consistent with the Board’s decision in

*Boeing*, including reopening the record if necessary. Any response should address whether a remand would affect the Board's ability to resolve the remaining complaint allegations, including whether those allegations should be severed and retained or instead included in the remand. Any briefs or statements in support of the motion shall be filed on the same date.

Dated, Washington, D.C., November 20, 2018.

By direction of the Board:

Roxanne L. Rothschild

Acting Executive Secretary